

## AGENDA

**REGULAR MEETING  
BOARD OF COMMISSIONERS  
315 WEST SECOND STREET  
FRANKFORT, KY 40601  
(502) 875-8500**

**NOVEMBER 15, 2004  
5:00 P.M. (EST)**

**1. INVOCATION  
ROLL CALL  
MINUTES**

Rev. Gayle Ashby, First Church of the Nazarene

October 18, 2004 Regular Meeting; November 1, 2004 Work Session, November 3, 2004 Special Meeting

**MAYOR'S REPORT**

**2 CEREMONIAL ITEMS**

2.1 Presentation by Life Net Air Medical Services.

**3 ORDINANCES**

**3.1 SECOND READING:** An Ordinance Accepting Brighton Court as a Public Street.

Purpose: The purpose of this item is to consider an ordinance to accept Brighton Court into the City's street system for maintenance.

Background: On 7/8/04, Ashley T. Sells, Brighton A & E., Inc., requested the City accept Brighton Court into the City's street system. Brighton Court was approved and constructed in 2003 and has been used by the public since that time. The street has been inspected and any deficiencies noted have been corrected. The street meets the requirements that were specified at the time of approval. Approval of the ordinance to accept the street will complete the official action required for acceptance into the City's street system. This ordinance had its First Reading on October 18, 2004

Recommendation: Approval.

Attachments: Ordinance.  
Letter from Ashley Sells, Brighton A & E, Inc., dated 7/8/04.

Contact Person

Name: Jeff Hackbart  
Title: Director  
Department: Public Works  
Phone: (502) 875-8563  
E-mail: jhackbrt@fewpb.com

**3.2 SECOND READING:** An Ordinance Accepting Turnberry Drive as a Public Street.

Purpose: The purpose of this item is to consider an ordinance to accept Turnberry Drive into the City's street system for maintenance.

Background: On 4/7/04, Bruce Brooks, Farmers Bank & Capital Trust Co., requested the City accept Turnberry Drive into the City's street system. The street has been inspected and any deficiencies noted have been corrected. The street meets the requirements that were specified at the time of approval.

Approval of the ordinance to accept the street will complete the official action required for acceptance into the City's street system. This ordinance had its First Reading on October 18, 2004

Recommendation: Approval

Attachments: Ordinance.  
Letter from Bruce Brooks, Farmers Bank & Capital Trust Co., 4/7/04.

Contact Person

Name: Jeff Hackbart  
Title: Director  
Department: Public Works  
Phone (502) 875-8563  
E-mail jhackbrt@fewpb.com

3.3 **FIRST READING:** An Ordinance Amending Ordinance No. 11, 2004 Series, Appropriating the Revenue to be Received by the City of Frankfort for Fiscal Year 2004-2005.

Purpose: The purpose of this item is to consider an ordinance amending the appropriation of revenue for fiscal year 2004-2005 for the General Fund Capital Improvement Account and the Sewer Department's Replacement Account and Sanitary Sewer Tap Fee.

Background: The proposed amendment for the General Fund Capital Improvement Account is an increase in the amount of \$731,500 to be expended as follows:

- The interest due to the Capital Community Economic Industrial Development Authority (CCEIDA) for fiscal year 2004-2005, as per agreement with CCEIDA, in the amount of \$36,500 was omitted from the original budget.
- Construction of a sanitary sewer pump station and force main to replace a holding tank that currently serves the City's Vehicle Maintenance Garage, Street Division and Transit Division facilities off of U.S. 421 North. Estimated cost for the project is in the amount of \$100,000.  
The project consists of constructing a complete Duplex Sanitary Sewer Pump Station, including a concrete wet well and a concrete valve vault. Also, the contractor will be required to construct 2,970 L.F. of new 2" sewer force main from this new pump station to an existing manhole on the west side of Benson Avenue. The contractor will be required to bore and jack a 6" diameter casing pipe under US 421 North.
- Purchase of Leonardwood Drive property as per Board Action on November 3, 2004 in the amount of \$595,000.

The proposed amendment for the Sewer Replacement Account is an increase in the amount of \$1,500,000 with \$1,000,000 from the Replacement Account and \$500,000 transferred from the Sanitary Sewer Tap Fee Account to be expended as follows:

Replacement of the ozone system at the Wastewater Treatment Plant at an estimated cost of \$1,000,000. This project is programmed to replace a 24-year-old ambient air ozone generating system that is used to disinfect the treated wastewater prior to discharge to the Kentucky River. This system has a design life of 20 years and the Department is experiencing increased operational costs and downtime due the system age. A consultant has evaluated the replacement options and has determined that a liquid oxygen generating system is the preferred system. This system will have a payback of approximately 8 years due to energy savings of a liquid oxygen system vs. an ambient air system. This project is estimated to cost \$1,650,000. Of this, \$1,000,000 will be taken from the Sewer Reserve

Account and the remaining funds will be programmed into the Fiscal Year 2005-2006 Budget.

Matching funds in the amount of \$500,000 for an EPA Grant to replace an undersized gravity sewer line that is constructed through Schenkel Cave. This project is programmed to replace an existing 14-inch ductile iron pipe that is presently mounted on the cave wall with pipe supports. The cave exhibits evidence of past roof collapses. The 14-inch pipe is downstream of a 36-inch pipe that conveys sewage from the entire east side of Frankfort/Franklin County and is currently a Sanitary Sewer Overflow Point during periods of heavy rain. The total project cost is projected at \$2,660,000. On 8/12/04 the City was notified that it was the recipient of an EPA Special Appropriation Grant in the amount of \$482,100 for this project. The matching funds will be transferred from the Sanitary Sewer Tap Fee Account.

Recommendation: Approval.

Attachments: Ordinance.

Contact Person

Name:	Tony Massey	James C. Rogers	Bill Scalf
Title:	City Manager	Finance Director	Sewer Director
Department:	City Manger	Finance	Sewer
Phone:	(502) 875-8500	(502) 875-8505	(502) 875-24448
E-mail:	<a href="mailto:Amassey@fewpb.com">Amassey@fewpb.com</a>	<a href="mailto:Jrogers@fewpb.com">Jrogers@fewpb.com</a>	<a href="mailto:wscalf@fewpb.com">wscalf@fewpb.com</a>

- 3.4 **FIRST READING:** An Ordinance rezoning property located at 519 Ann Street from “RH” (High Density Multi-Family District) to “SH” (Special Historic).

Purpose: The purpose of this item is to approve the recommendation for approval by the Frankfort/Franklin County Planning Commission concerning a zone map amendment by Gary and Rose Burke who are requesting a Zone Map Amendment (Rezoning) for 519 Ann Street from RH (High Density Multi-Family District) to SH (Special Historic), for the use of a Bed and Breakfast with a café and gift shop.

Background: KRS requires that the Planning Commission hold a public hearing and that the Planning Commission’s recommendation be forwarded to the Local Government (City Commission for final approval or denial.

Should the City Commission desire to not follow the Planning Commission’s recommendation, then the item must be tabled and a request for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the City Commission. The City Commission will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact.

On October 14, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed and the Planning Commission adopted the staff report as the summary of testimony, made findings of facts and voted to recommend approval of the zone change based on the findings of fact (staff report). The motion to recommend approval of the zone map amendment as requested by the applicant was passed by a vote of 6-0, based on the staff findings of fact within the report and that the request is consistent with the adopted Comprehensive Plan.

Recommendation: Approval

Attachments: Adopted Findings of Fact and summary of testimony (being the staff report reviewed by the Frankfort/Franklin County Planning Commission).

Contact Person

Name: Gary Muller  
Title: Director of Planning and Building Codes  
Department: Planning and Building Codes  
Phone: (502) 352-2100  
E-mail: [Gmuller@fewpb.com](mailto:Gmuller@fewpb.com)

- 3.5 **FIRST READING:** An Ordinance rezoning property located at 107 Sea Hero Road from "PC" (Planned Commercial) to "RS" (Special Residential).

Purpose: Approval of the recommendation of approval by the Frankfort/Franklin County Planning Commission concerning a zone map amendment by Mr. John Baughman, attorney for Ira Tufts and Harold Mullis, who is requesting approval of a Zone Map Amendment (Rezoning) for Lot 2 (107 Sea Hero Rd) of the 5<sup>th</sup> amended plat of survey and 2<sup>nd</sup> Amended Subdivision Plat of Silver Lake Farm, from PC (Planned Commercial) to RS (Special Residential), for the use of residential (townhouse development).

Background: KRS requires that a public hearing be held by the Planning Commission and that the Planning Commission's recommendation be forwarded to the Local Government (City Commission for final approval or denial).

Should the City Commission desire to not follow the Planning Commission's recommendation, then the item must be tabled and a request for a verbatim transcript of the Planning Commission meeting, which must be obtained before the item can be heard by the City Commission. The City Commission will then be required to make their own findings of fact based on the verbatim transcript or hold its own public hearing and then make findings of fact.

On August 12, 2004, the Frankfort-Franklin County Planning Commission held a public hearing to consider a zone change request for this property. The public hearing was closed and the item was tabled for a summary of the testimony to be prepared.

On October 14, 2004, the Planning Commission adopted the summary of testimony, made findings of facts and voted to recommend approval of the zone change based on the adopted findings of fact (attached). The motion to recommend approval of the zone map amendment as requested by the applicant was passed by a vote of 6-0, based on the four findings of fact and that the request is consistent with the adopted Comprehensive Plan.

Recommendation: Approval

Attachments: Adopted Findings of Fact, summary of testimony and staff report reviewed by the Frankfort/Franklin County Planning Commission.

Contact Person

Name: Gary Muller  
Title: Director of Planning and Building Codes  
Department: Planning and Building Codes  
Phone: (502) 352-2100

E-mail: [Gmuller@fewpb.com](mailto:Gmuller@fewpb.com)

#### **4. ORDERS**

##### **4.1 An Order Updating the City's Affirmative Action Plan.**

Purpose: The purpose of this item is to consider adoption of an updated Affirmative Action Plan for the City of Frankfort. This action is necessary to comply with requirements of the U. S. Department of Justice, Office of Community Oriented Policing Services (COPS).

Background: The City of Frankfort is recipient of a 2004 COPS Universal Hiring Program Grant for \$300,000. This is a three-year funding commitment, running from August 1, 2004 through July 31, 2007. The Board of Commissioners authorized the application in June 2002. Although Frankfort was not funded in that first round, the Department of Justice carried forward all unsuccessful applications until additional funds became available.

Grant recipients are required to “. . . maintain and submit an acceptable Equal Opportunity Plan for review by the Office of Civil Rights, Office of Justice Programs.” This requirement is part of the Assurances for acceptance of the award, along with a Certification form that must be signed by the Mayor and submitted with the packet.

Notice of funding award was received in August 2004. The award acceptance packet is due no later than November 30. This grant will enable the City to hire four (4) new officers under the COPS program. Frankfort's existing Affirmative Action Plan (AAP) has not been updated since the mid-1990s and does not meet the grant requirements.

Recommendation: Approval

Attachment: Order.

##### **Contact Person**

Name: John C. Morrow  
Title: Director of Human Resources  
Department: Human Resources  
Phone: 502/875-8500  
E-Mail: [jmorrow@fewpb.com](mailto:jmorrow@fewpb.com)

#### **5. RESOLUTIONS**

##### **5.1 Resolution Authorizing Approval of Application for Designation as a Preserve America Community.**

Purpose: Approval to apply for designation of the City of Frankfort as a Preserve America Community.

Background: Preserve America is a White House initiative in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, the U.S. Department of Commerce, the U.S. Department of Agriculture, and the U.S. Department of Housing and Urban Development. Preserve America Community recognizes communities that: protect and celebrate their heritage, use their historic assets for economic development and community revitalization; and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

In addition to possible funding opportunities, the benefits of designation include: White House recognition; a certificate of recognition; a Preserve America Community road sign; authorization to use the Preserve America logo on signs, flags, banners and promotional materials; listing in a Web-based Preserve America Community directory; inclusion in national and regional press releases; official notification of designation to State tourism offices and visitor bureaus; and enhanced community visibility and pride.

The Preserve America program fits with the City's Main Street Program and Renaissance Kentucky initiatives that are administered through Downtown Frankfort, Inc.

Attachments: Resolution

Recommendation: Approval

Contact Person

Name: Jo Shockley  
Title: Grants Manager  
Department: City Manager  
Phone: (502) 875-8500  
E-Mail: [jshockley@fewpb.com](mailto:jshockley@fewpb.com)

Sheila White  
Executive Director of Downtown Frankfort, Inc.  
(502) 223-2261  
[downtown@dcr.net](mailto:downtown@dcr.net)

## 6. CONSENT CALENDAR

*Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.*

### 6.1 Authorization to award contract to Leak Eliminators, LLC for pipe-bursting a 300-foot segment of 6-inch vitrified clay pipe and replace with an 8-inch High Density Polyethylene Pipe. (Sewer Department)

**Purpose:** The purpose of this item is to award a contract to Leak Eliminators, LLC for pipe-bursting a 300-foot segment of 6-inch vitrified clay pipe and replace with an 8-inch High Density Polyethylene Pipe. The project begins in Brighton Park and extends southerly to Fairway Drive. The existing pipe is a seriously distressed 6-inch vitrified clay pipe that is undersized. The pipe is located in a drainage ditch and is a source of inflow into the collection system and the upstream pipe that discharges into the 6-inch pipe is an 8-inch pipe.

**Background:** During evaluation of the collection system, this portion of the system was identified as a source of inflow due to the pipe being located in a drainage ditch and the condition of the pipe. A portion of the pipe to be replaced lies between two homes that are heavily landscaped. Pipe bursting was chosen as the preferred method of construction to minimize the impact on the adjoining properties. This will be the first pipe-bursting project for the Department.

This project is being constructed as an inflow elimination project and funds will be utilized from the Department's SSO Elimination line item. Construction of this project should have a positive impact on the downstream collection system due to a reduction of Inflow/Infiltration. When the ditch has water flowing in it, the 6-inch line flows full with clear water. This line ultimately discharges into the Bon Air Pump Station, which has 5 upstream SSOs.

Three bidders were invited to submit bids. Leak Eliminators was the low bidder at \$24,940.

Financial Analysis: Funds are available in account 300.68.56550.

Recommendation: Approval

Attachments: Bid Tab

Contact Person

Name: William R. Scalf, Jr., PE  
Title: Director  
Department: Sewer  
Phone: 875-2448  
Email: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

- 6.2 Authorization to extend the contract with FMSM Engineers for Engineering Services associated with the design of the Ewing Street Force Main crossing of Benson Creek (Sewer Department).

Purpose: The purpose of this item is to consider a contact extension with FMSM Engineers for additional Engineering services associated with the design of the Ewing Street Force Main replacement across Benson Creek. This contract extension includes the design for providing sewers to the 3 Bridges Pawn Shop and the City owned building at 408 Kentucky Avenue. The extension also includes bidding assistance, construction administration, and a feasibility study of rerouting the Capital Avenue Pump Station Force Main.

The fees for each of the above are as follows:

• Scope Changes	\$ 8,280
• Bidding Assistance	\$ 7,660
• Construction Administration	\$ 21,095
• Capital Avenue Force Main Relocation	<u>\$ 10,162</u>
	\$ 47,185

Background: In October 2003 the Sewer Department discovered a broken force main in Benson Creek from the Ewing Street Pump Station. An emergency contact was awarded to FMSM Engineers to inspect and evaluate the extent of the break. As part of this contract, FMSM assisted the Department in evaluating and implementing alternatives to maintaining flow until the replacement pipe was designed and constructed. In November 2003 a contract was awarded to FMSM Engineers for permitting geotechnical exploration and preliminary design of the replacement force main. In January 3004 an additional contract was awarded to FMSM Engineers to perform underwater inspections of the remaining crossings in the Kentucky River. Following is the value of each of these contracts:

October 2003	\$ 33,050	Underwater inspection of the broken force main
November 2003	\$ 40,244	Permitting \$8,975; Geotech, \$11,519; Design \$19,750
January 2004	<u>\$ 28,075</u>	Inspection of the Kentucky River Crossings
	\$101,369	

The Capital Avenue Pump Station Force Main crosses the Kentucky River in two locations. During the underwater inspection of this force main, approximately 56 percent of the pipe was visible with more than half of the pile diameter exposed and in some segments 80-100 percent pipe diameter was observed to be exposed. Undermining was observed along a 25-foot section of pipe, with the river bottom estimated at 3 feet below the bottom of the pipe. No obvious signs of damage were noted to either of the force mains. This crossing is susceptible to damage due to the exposed pipe and river debris. The evaluation of the

relocation includes elimination of this crossing and rerouting to intercept the Ewing Street Force Main and sizing of the force main to include the additional flow.

Total annual cost to the Sewer Department is a not-to-exceed contract of \$47,185.00

Financial Analysis: Funds are available in account 300.68.56550.

Recommendation: Approval

Attachments: Proposal

Contact Person

Name: William R. Scalf, Jr. PE  
Title: Director  
Department: Sewer  
Phone: 875-2448  
E-Mail: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

- 6.3. Authorization to solicit qualifications from engineering firms for the design of the ozone generating system at the Wastewater Treatment Plant. (Sewer Department)

Purpose: The purpose of this item is to consider allowing the Sewer Department to advertise and solicit qualifications from interested firms for the selection of a consultant to design the replacement ozone generating system. This will allow selection of a consultant and enable the Department to proceed with design as soon as funding is available. It is anticipated that design and state approval could take up to 6 months due current backlog at the Division of Water and uniqueness of the design. It is anticipated that final selection will occur in January 2005.

Background: The existing ozone generating system is over 24 years old. This system has a design life of 20 years and the Department is experiencing increased operational costs and downtime due the system age. Failure of this component of our treatment process will result in the inability of the Department to meet our Permit Discharge Limits.

Financial Analysis: Funds are not currently available in the budget but the budget amendment includes funds for the design of the ozone system. Award of a contract will not be done until the budget amendment is approved. Total annual cost to the Sewer Department is not expected to exceed \$100,000, or 6 percent of the estimated construction cost of \$1,650,000.

Recommendation: Approval

Attachments: None

Contact Person

Name: William R. Scalf, Jr., PE  
Title: Director  
Department: Sewer  
Phone: 875-2448  
Email: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

- 6.4 Authorization to declare a 1974 Ford Mini Pumper as surplus for disposal. (Parks and Recreation)



Purpose: To enable the Parks Department to surplus a 1974 Ford Mini Pumper for disposal back to the manufacturer and receive from the manufacturer in exchange a 1998 Ford Diesel Truck.

Background: The Fire Department transferred a 1974 Ford Mini Pumper to the Parks Department for use by the Forestry Division for watering purposes. The Mini Pumper did not work for that situation. The manufacturer, Engine One, would like to place the Mini Pumper in a museum. In exchange, Engine One will give the City a 1998 Ford Diesel truck. If approved, the Parks Department will add a small dump bed to the truck for use by its Forestry Division.

Recommendation: Approval

Attachments: None

Contact Person:

Name: Steve Brooks  
Title: Director  
Department: Parks & Recreation  
Phone: 875-8575  
E-Mail: [Sbrooks@fewpb.com](mailto:Sbrooks@fewpb.com)

#### 6.5 Authorization to enter into a contract with Integra Realty Resources for appraisal services (Finance).

Purpose: To enter into a contract with Integra Realty Service for appraisal services.

Background: Integra Realty Resources has previously performed appraisal services for the city. Properties included are the Carter property, Leonardwood Drive, Library property at 305 Wapping Street, and the Hurst/Fincel properties. This new agreement is for appraisal services for property located at 101 East Main Street, Frankfort, KY. Hourly rates are \$170.

Recommendation: Approval

Attachments: Contract

Contact Person:

Name: James C. Rogers  
Title: Director of Finance  
Phone: 502/875-8505  
E-mail: [jrogers@fewpb.com](mailto:jrogers@fewpb.com)

#### 6.6 Authorization to award contract to Kentucky Uniforms for police uniforms and accessories (Police).

Purpose: The purpose of this item is to consider a bid award to Kentucky Uniforms for the supply of police uniforms and accessories.

Background: Bid packages were sent to potential suppliers of police uniforms and accessories. Five bids were returned. After reviewing the bids it has been determined that the lowest and best bid for Class A, Class B uniforms and accessory items was submitted by Kentucky Uniforms of Lexington, KY.  
Financial Analysis: The Police Department has budgeted \$600.00 per officer for the purchase of uniforms and accessories. This amount is the total that can be expended by the officer therefore the bid process allows the officer to receive the most for his or her clothing allowance.

Recommendation: Approval

Attachment: Bid tab

Contact Person

Name: Ted W. Evans  
Title: Chief of Police  
Department: Police  
Phone: (502) 875-8523  
Email: [tevans@fewpb.com](mailto:tevans@fewpb.com)

6.7 Personnel

<u>Personnel Action</u>	<u>Employee</u>	<u>Department</u>	<u>Effective Date</u>	<u>Other</u>
Appointment/Transfer	Darrell S. Tracey	Police	12/1/04	Patrol Officer
Appointment	Robert N. Courtney, Jr.	Police	11/16/04	Patrol Officer
Promotion	Floyd F. Loman	Sewer	11/16/04	Collection System Maintenance I from Collection System Laborer
Appointment	Melanie E. Hockensmith	Sewer	11/16/04	Collection System Laborer
Appointment/Duty Assignment	Russell Greenwell	Fire	11/16/04	EMS Shift Supervisor From Firefighter/ Paramedic
Appointment/Duty Assignment	Steven Clark	Fire	11/16/04	EMS Shift Supervisor From Firefighter/ Paramedic
Appointment/Duty Assignment	Jeffrey Anglin	Fire	11/16/04	EMS Shift Supervisor From Firefighter/ Paramedic
Appointment	John T. Jennings	Street	11/16/04	Maintenance Worker
Appointment	Joanna L. Sawalich	Telecommunications	11/16/04	Telecommunicator

Contact Person:

Name: John C. Morrow  
Title: Director of Human Resources  
Department: Human Resources  
Phone: (502) 875-8500  
E-mail: [jmorrow@fewpb.com](mailto:jmorrow@fewpb.com)

7. BOARD APPOINTMENTS

None

## **8. OLD BUSINESS**

### **8.1 Review of contract with Architect Design Group, Inc. for design of the Public Safety Building.**

Purpose: To review the contract with Architect Design Group, Inc. for design of the Public Safety Building.

Background: At the November Board of Commissioners work session, it was discussed as to whether to continue the services of Architect Design Group, Inc. for the next phase in designing the new Public Safety building.

As requested, attached are the scoring sheets and format used by staff last year in recommending Architectural Design Group, Inc.

As noted during the work session, Architectural Design Group, Inc., was utilized as a consultant in the Owensboro, Kentucky Police Building. Owensboro hired a Kentucky firm who teamed with Architect Design Group, Inc. to design their new Police Building.

Attachments: Original Commission approval of Architect Design Group, Inc.  
Original score sheets for Architectural Service Proposals.

Contact Person:

Name: Tony Massey  
Title: City Manager  
Department: City Manager  
Phone: (502) 875-8500  
E-mail: [Amassey@fewpb.com](mailto:Amassey@fewpb.com)

## **9. NEW BUSINESS**

### **9.1 Authorization to consider executing an Operating Agreement Relating to Sanitary Sewer Service for the Choateville Area – Phase 1 (Sewer Department).**

Purpose: The purpose of this item is to consider approval of an Operating Agreement with Franklin County Fiscal Court to delineate specific responsibilities for the City of Frankfort and Franklin County Fiscal Court.

Background: The Choateville Sewer Project Phase 1 is funded by Franklin County Fiscal Court and is currently under construction. The City of Frankfort and Fiscal Court entered into a contract for the Sewer Department to accept flows from this project in September 2002. This Operating Agreement delineates specific responsibilities for both the City and the County and establishes a Fee Assessment that will be collected by Franklin County for all extensions to this system. This Operating Agreement also confirms that all such extensions will be constructed in accordance with Sewer Department Standards in effect at the time of the extension.

Financial Analysis: This Agreement sets forth the procedure for payment of tap fees not to exceed \$133,969 by the County for this project.

Recommendation: Approval

Attachments: Operating Agreement

Contact Person

Name: William R. Scalf, Jr., PE  
Title: Director  
Department: Sewer  
Phone: 875-2448  
Email: [wscalf@fewpb.com](mailto:wscalf@fewpb.com)

9.2 Authorization to award a five-year solid waste disposal contract to BFI Waste Systems, Inc. (Public Works).

Purpose: The purpose of this item is to consider a bid award for a five-year solid waste disposal contract to BFI Waste Systems, Inc.

Background: Frankfort currently collects residential solid waste and hauls the waste directly to the Benson Valley Landfill in Franklin County. The City's contract with BFI expires on 12/21/04. The disposal rate under this contract is \$21.25/ton. The City intends to continue collecting residential waste within the City and has made no decision to change its disposal location, but wished to explore alternatives regarding the transport and disposal of waste to an approved disposal facility. On 9/30/04, the City received sealed bids for the following alternatives:

Alternate #1: The design, construction and operation of a solid waste transfer for the City of Frankfort. The transfer station shall be constructed on the City lot located at 301 Rouse Avenue. This alternative includes the operation and maintenance of the transfer station, transportation, and disposal of the City's waste at a permitted solid waste facility.

Alternate #2: The disposal of the City's solid waste in a permitted solid waste disposal facility (City to provide transportation).

The City received one bid for Alternate #1 and three bids on Alternate #2 (see attached bid tabulation). The bids were evaluated based on economics of the proposal, background and experience with similar projects, operational history of the proposed disposal facility, and references. Upon analyzing the total cost of all bidders for both alternates, BFI submitted the lowest and best bid of \$1,607,705 over the five-year contract.

BFI has agreed to submit a \$216,000 bond for performance. This amount is based on one year's value of the proposed contract price at the City's estimated annual tons of disposal.

Financial Analysis: Funds are budgeted in the Sanitation Division's operating budget for the disposal of solid waste (#100.65.53295).

Recommendation: Approval

Attachments: Bid Tabulation

Contact Person:

Name: Jeff Hackbart  
Title: Director  
Department: Public Works  
Phone: 502/875-8565  
E-mail: [jhackbrt@fewpb.com](mailto:jhackbrt@fewpb.com)

9.3 Request by SRG Properties, Inc. to waive deed restrictions on 150 Flynn Avenue for the construction of a new office complex (Planning and Zoning).

Purpose: Board of Commissions has been requested by SRG Properties, Inc. to waive the deed restrictions for 150 Flynn Avenue (Frankfort Research and Office Park).

Background: The most recent deed restrictions do not allow parking in front of buildings. As noted in the letter dated October 27, 2004, this deed restriction is creating an additional \$250,000 cost to the project. This is due to topographical conditions on this lot. Further, the City has been advised this additional cost makes the economic viability of the project questionable. As an alternative, it has been proposed landscaping and burms be placed in front of the proposed office complex for aesthetic purposes.

This is a time sensitive project due to the circumstances; staff recommends the Commission grant this waiver request.

Recommendation: Approval

Attachments: Letters from SRG Properties, Inc.  
Frankfort Research Park Development Standards and Requirements  
Agenda Abstract of 12-19-02 approving standards

Contact Person:

Name: Tony Massey  
Title: City Manager  
Department: City Manager  
Phone: (502) 875-8500  
E-mail: [amassey@fewpb.com](mailto:amassey@fewpb.com)

Gary Muller  
Planning Director  
Planning and Building Codes  
(502) 875-8500  
[gmuller@fewpb.com](mailto:gmuller@fewpb.com)

**10. CITIZEN COMMENTS (Non-agenda items)**

**11. COMMISSIONER COMMENTS**

**12. ADJOURNMENT**